
EXAMINER'S COMMENTS and AMENDMENT

1. The response, amendments and remarks filed 11 January 2010 to Non-Final Office Action mailed 10 July 2009 is acknowledged and entered.

Claims Status

2. Claim 2 has currently been and Claims 40-59 have previously been cancelled.
3. Claims 1 and 3-39 are currently pending.
4. Claims 12-39 remain withdrawn.
5. Claim 1 has currently been amended.
6. Claims 1 and 3-11 are currently under examination on merits.

Withdrawals

7. Considering the response and amendment filed 11 January 2010, the following objections and rejections in the Non-Final Office Action mailed 10 July 2009 are hereby withdrawn:
 - Objections to specification;
 - Anticipatory rejection to Claims 1-8 under 35 U.S.C. 102(b) as anticipated by Tsukada et al., (1994. Preparation and Application of Porous Silk Fibroin Materials. Journal of Applied Polymer Science, Volume 54, Pages 507-514).
 - Obviousness rejection of Claims 1-9 under 35 U.S.C. §103(a) over combined teachings from Tsukada et al., (1994. Preparation and Application of Porous Silk Fibroin Materials. Journal of Applied Polymer Science, Volume 54, Pages 507-514) in view of each of Li et al., (2002, Study on Porous Fibroin Materials: 3. Influence of Repeated Freeze-Thawing on the Structure and Properties of Porous Silk Fibroin Materials, Polymer Adv. Technology, Volume 13, Pages 605-610) and Alcock et al (US Patent 5,736,188 A) and further in view of Elçin et al (1996. Controlled release of endothelial cell growth factor from chitosan-albumin microspheres for localized angiogenesis: in vitro and in vivo studies. Artificial Cells Blood Substitutes and Immobilization Biotechnology 1996 May; Volume 24 number 3, Pages 257-71).

Information Disclosure Statement

8. Considering Applicants' remarks filed 11 January 2010, the Examiner has reconsidered the Information Disclosure Statement (i.e., IDS) filed 27 January 2006 and duly initialed appropriate sheets of substitute for PTO form 1449 for the IDS filed 27 January 2006 are enclosed with the Office Action. Please note, however, that reference listed as item "C20" is difficult to read. A clean copy for said reference is solicited.

Examiner's Amendment

9. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview on 06 April 2010 with Mr. David S. Resnick, Applicants' Representative.

In the Claims:

Please amend the following claims in the instant application.

1. (CURRENTLY AMENDED) A porous silk fibroin material comprising a three-dimensional silk fibroin body having interconnected pores, wherein the mean pore size of the silk fibroin body is ~~at least 225 microns~~ in the range of 225 μ m to 425 μ m and wherein the material has a compressive modulus of at least 100 kPa.

Claims 12-39 (CANCELLED).

Conclusion

10. Claims 1 and 3-11 are allowed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571) 272-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Jon Weber can be reached at (571)-272-0925 Monday through Thursday 7:30 A.M. to 6:00 P.M. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (i.e., PAIR) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (i.e., EBC) at: (866)-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Kailash C Srivastava/
Examiner, Art Unit 1657

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06 April 2010

/JON P WEBER/
Supervisory Patent Examiner, Art Unit 1657